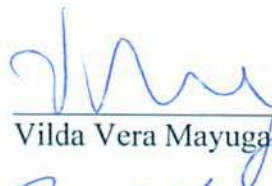


The orders sought to be reviewed were issued on July 23, 2015, and therefore, any petition for review filed with the Board with a post-mark after September 21, 2015 is untimely (*id.*; Board Rules of Procedure and Practice 65.5 [d] and 65.3 [a] [12 NYCRR 65.5 (d) and 65.3 (a)]). As the petition in this proceeding was post-marked after September 21, 2015, it was filed late and must be dismissed. Contrary to petitioners' assertion, CPLR § 2103 (b) (2) which provides that "where a period of time prescribed by law is measured from service of a paper and service is by mail, five days shall be added to the prescribed period," is not applicable to this proceeding (*see Matter of Roy A. Dean et al.*, PR 14-207 [March 11, 2015] [CPLR applicable to state court proceedings, not the Board, and the CPLR's "mailbox rule" does not apply to filing a petition with the Board]). Petitioners' other arguments are also without merit.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The Commissioner of Labor's motion to dismiss the petition for review is granted, and the petition for review be, and the same hereby is, dismissed.



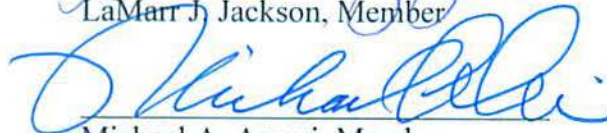
Vilda Vera Mayuga, Chairperson



J. Christopher Meagher, Member



LaMarr J. Jackson, Member



Michael A. Arcuri, Member

Dated and signed by the Members
of the Industrial Board of Appeals
at Albany, New York
on January 20, 2016.